

Mail Stop Interference
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Filed 16 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RONALD S. COK, ANDREW D. ARNOLD
and DUSTIN WINTERS
Junior Party
(Patent 6,812,637),

v.

TAKESHI NISHI and ISHIMARU SHIBATA
Senior Party
(Application 10/601,793).

Patent Interference No. 105,668 (SCM)
(Technology Center 2800)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 1:00 p.m. on 19 February 2009 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: RONALD S. COK, Rochester, NY
ANDREW D. ARNOLD, Hilton, NY
DUSTIN WINTERS, Webster, NY

Involved Patent: U.S. Patent 6,812,637, issued 2 November
2004, based on application 10/388,111, filed
13 March 2003

Title: OLED display with auxiliary electrode

Assignee: Eastman Kodak Company

Senior Party

Named Inventors: TAKESHI NISHI, Kanagawa, Japan
ISHIMARU SHIBATA, Kanagawa, Japan

Involved Application: 10/601,793, filed 23 June 2003

Title: OLED display with auxiliary electrode

Assignee: none

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Cok's U.S. Patent 6,812,637

or

Claim 79 of Nishi's Application 10/601,793

The claims of the parties are:

Cok: 1-34

Nishi: 79-85

The claims of the parties which correspond to Count 1 are:

Cok: 1, 2, 5-7, 9 and 10

Nishi: 79-85

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Cok: 3, 4, 8, and 11-34

Nishi: none

The parties are accorded the following benefit for Count 1:

Cok:	none
Nishi:	09/735,096, filed 11 December 2000, now U.S. Patent 6,593,691, issued 15 July 2003

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO & 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally C. Medley/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,812,637
Copy U.S. Patent 6,593,691
Copy of claims of 10/601,793

Revised 3 January 2006

cc (via overnight delivery):

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